

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

1. (Currently Amended): A binder resin for a toner, wherein the binder resin is obtained by reacting a crosslinking agent (A) with a vinyl polymer (B) ~~satisfying the requirements (I) to (III) as described below~~, to obtain a crosslinked resin (C) which contains a gel portion of from 1 to 50%, and mixing the crosslinked resin (C) with a vinyl polymer (D), wherein the vinyl polymer (B) and the vinyl polymer (D) satisfy the requirements (I) to (III) as described below:

(I) the vinyl polymer (B) and the vinyl polymer (D) each comprises a vinyl polymer (H) and a vinyl polymer (L), and the weight ratio (H)/(L) is from 5/95 to 50/50;

(II) the vinyl polymer (H) has a weight average molecular weight of more than 50,000 and not more than 1,000,000, and the content of the functional group selected from the group consisting of an OH group, a COOH group, an acid anhydride group and an amino group of from 0.1 to 2 mole per 1 kg of the vinyl polymer (H);

(III) the vinyl polymer (L) has a weight average molecular weight of not less than 4,000 and not more than 50,000, and the content of the functional group selected from the group consisting of an OH group, a COOH group, an acid anhydride group and an amino group of less than 0.7 mole per 1 kg of the vinyl polymer (L).

2. (Original) The binder resin for a toner according to claim 1, wherein the weight ratio (C)/(D) of the crosslinked resin (C) to the vinyl polymer (D) is from 20/80 to 80/20.
3. (Original): The binder resin for a toner according to claim 1, wherein the weight ratio (C)/(D) of the crosslinked resin (C) to the vinyl polymer (D) is from 80/20 to 90/10, and the vinyl polymer (D) is a vinyl polymer (D1) having a weight average molecular weight of not less than 4,000 and not more than 50,000.
4. (Original): The binder resin for a toner according to claim 1, wherein the crosslinking agent (A) is a glycidyl group-containing vinyl resin (A1) having the epoxy value of from 0.005 to 0.1 equivalent/100 g.
5. (Previously Presented): The binder resin for a toner according to claim 1, wherein the vinyl polymer (B) and the vinyl polymer (D) are each a styrene acrylic resin.
6. (Original): A toner for electrophotography comprising the binder resin for a toner as described in claim 1.